IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.97 of 2007

Nagraj Chandmal Chhajed ...Applicant

vs.

Dineshkumar Devraj Rathod & Ors. ...Respondents

Mr.Sugandh Deshmukh for the Applicant
Mr.Nitin Jamdar for the Respondent

CORAM: A.S.OKA,J.
DATE : JUNE 22, 2007.

P.C.:

1. The learned Advocate for the Applicant states that the Applicant is personally present in this Court. On instructions of the Applicant he states that he is not pressing the Revision Application on merits. He, however, states that considering the fact that Revision Applicant is carrying on business in the suit premises for a long time, longer time to vacate the suit premises may be granted. Shri Jamdar for the Respondents opposes the said prayer by submitting that there are concurrent findings of fact in favour of the Respondents on the issue of bonafide need.

2. I have considered the submissions. If this Revision Application was to remain pending in this court for final disposal, it is obvious that the same would not have reached the stage of final hearing for few years. The Revision Applicant is not pressing the Revision Application on merits.

Therefore, the decree will attain finality. The Applicant has been carrying on business for a long time. He has offered to give an undertaking to vacate the suit premises. Considering all these aspects, time to vacate the suit premises deserves to be granted till 31st August 2009.

3. Hence, I pass the following order ;

i) Revision Application is dismissed as not pressed.

ii) Notwithstanding the dismissal of the Revision Application, decree for possession shall not be executed till 31st August 2009 subject to condition of the Applicant filing usual undertaking of himself and all his adult family members in this court. The undertaking shall be filed within a period of four weeks from today. If undertaking is not filed within the stipulated period, decree for possession will immediately become executable.

iii) Parties to act upon an authenticated copy of this order.

JUDGE